



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2011 REGULAR SESSION

HOUSE BILL NO. 228

AS ENACTED

FRIDAY, MARCH 4, 2011

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ELAINE N. WALKER
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

1 AN ACT relating to campaign finance.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 121.150 is amended to read as follows:

- 4 (1) No contribution shall be made or received, directly or indirectly, other than an
5 independent expenditure, to support inauguration activities or to support or defeat a
6 candidate, slate of candidates, constitutional amendment, or public question which
7 will appear on the ballot in an election, except through the duly appointed campaign
8 manager, or campaign treasurer of the candidate, slate of candidates, or registered
9 committee. Any person making an independent expenditure, shall report these
10 expenditures when the expenditures by that person exceed five hundred dollars
11 (\$500) in the aggregate in any one (1) election, on a form provided or using a format
12 approved by the registry and shall sign a statement on the form, under penalty of
13 perjury, that the expenditure was an actual independent expenditure and that there
14 was no prior communication with the campaign on whose behalf it was made.
- 15 (2) Except as provided in KRS 121.180(10), the solicitation from and contributions by
16 campaign committees, caucus campaign committees, political issues committees,
17 permanent committees, and party executive committees to any religious, charitable,
18 civic, eleemosynary, or other causes or organizations established primarily for the
19 public good is expressly prohibited; except that it shall not be construed as a
20 violation of this section for a candidate or a slate of candidates to contribute to
21 religious, civic, or charitable groups.
- 22 (3) No candidate, slate of candidates, committee, or contributing organization, nor
23 anyone acting on their behalf, shall accept any anonymous contribution in excess of
24 fifty dollars (\$50), and all anonymous contributions in excess of fifty dollars (\$50)
25 shall be returned to the donor, if the donor can be determined. If no donor is found,
26 the contribution shall escheat to the state. No candidate, slate of candidates,
27 committee, or contributing organization, nor anyone acting on their behalf shall

1 accept anonymous contributions in excess of one thousand dollars (\$1,000) in the
2 aggregate in any one (1) election. Anonymous contributions in excess of one
3 thousand dollars (\$1,000) in the aggregate which are received in any one (1)
4 election shall escheat to the state.

5 (4) No candidate, slate of candidates, committee, or contributing organization, nor
6 anyone on their behalf, shall accept a cash contribution in excess of fifty dollars
7 (\$50) in the aggregate from each contributor in any one (1) election. No candidate,
8 slate of candidates, committee, or contributing organization, nor anyone on their
9 behalf, shall accept a cashier's check or money order in excess of the maximum cash
10 contribution limit unless the instrument clearly identifies both the payor and the
11 payee. A contribution made by cashier's check or money order which identifies both
12 the payor and payee shall be treated as a contribution made by check for purposes of
13 the contribution limits contained in this section. No person shall make a cash
14 contribution in excess of fifty dollars (\$50) in the aggregate in any one (1) election
15 to a candidate, slate of candidates, committee, or contributing organization, nor
16 anyone on their behalf.

17 (5) No candidate, slate of candidates, committee, contributing organization, nor anyone
18 on their behalf, shall accept any contribution in excess of one hundred dollars
19 (\$100) from any person who shall not become eighteen (18) years of age on or
20 before the day of the next general election.

21 (6) No candidate, slate of candidates, campaign committee, political issues committee,
22 nor anyone acting on their behalf, shall accept a contribution of more than one
23 thousand dollars (\$1,000) from any person, permanent committee, or contributing
24 organization in any one (1) election~~[-; except that no candidate for school board, his~~
25 ~~campaign committee, nor anyone acting on their behalf shall accept a contribution~~
26 ~~of more than one hundred dollars (\$100) from any person or more than two hundred~~
27 ~~dollars (\$200) from any permanent committee or contributing organization in any~~

1 ~~one (1) election~~]. No person, permanent committee, or contributing organization
 2 shall contribute more than one thousand dollars (\$1,000) to any one (1) candidate,
 3 campaign committee, political issues committee, nor anyone acting on their behalf,
 4 in any one (1) election~~]; except that no person shall contribute more than one~~
 5 ~~hundred dollars (\$100) and no permanent committee or contributing organization~~
 6 ~~shall contribute more than two hundred dollars (\$200) to any one (1) school board~~
 7 ~~candidate, his campaign committee, nor anyone acting on their behalf, in any one~~
 8 ~~(1) election~~].

9 (7) Permanent committees or contributing organizations affiliated by bylaw structure or
 10 by registration, as determined by the Registry of Election Finance, shall be
 11 considered as one (1) committee for purposes of applying the contribution limits of
 12 subsection (6) of this section.

13 (8) No permanent committee shall contribute funds to another permanent committee for
 14 the purpose of circumventing contribution limits of subsection (6) of this section.

15 (9) No person shall contribute funds to a permanent committee, political issues
 16 committee, or contributing organization for the purpose of circumventing the
 17 contribution limits of subsection (6) of this section.

18 (10) No person shall contribute more than one thousand five hundred dollars (\$1,500) to
 19 all permanent committees and contributing organizations in any one (1) year.

20 (11) No person shall contribute more than two thousand five hundred dollars (\$2,500) to
 21 the state executive committee of a political party and its subdivisions and affiliates
 22 in any one (1) year. No person shall contribute more than two thousand five
 23 hundred dollars (\$2,500) to a caucus campaign committee in any one (1) year.
 24 Contributions a person makes to any executive committee other than the state
 25 executive committee in excess of one thousand dollars (\$1,000) in any one (1) year
 26 shall be deposited in a separate account which the state executive committee
 27 maintains for the exclusive purpose of paying administrative costs incurred by the

1 political party.

2 (12) No person shall make a payment, distribution, loan, advance, deposit, or gift of
3 money to another person to contribute to a candidate, a slate of candidates,
4 committee, contributing organization, or anyone on their behalf. No candidate, slate
5 of candidates, committee, contributing organization, nor anyone on their behalf
6 shall accept a contribution made by one (1) person who has received a payment,
7 distribution, loan, advance, deposit, or gift of money from another person to
8 contribute to a candidate, a slate of candidates, committee, contributing
9 organization, or anyone on their behalf.

10 (13) No candidates running as a slate for the offices of Governor and Lieutenant
11 Governor shall make combined total personal loans to their committee in excess of
12 fifty thousand dollars (\$50,000) in any one (1) election. No candidate for any other
13 statewide elected state office shall lend to his committee any amount in excess of
14 twenty-five thousand dollars (\$25,000) in any one (1) election. In campaigning for
15 all other offices, no candidate shall lend to his committee more than ten thousand
16 dollars (\$10,000) in any one (1) election.

17 (14) Subject to the provisions of subsection (18) of this section, no candidate or slate of
18 candidates for nomination to any state, county, city, or district office, nor their
19 campaign committees, nor anyone on their behalf, shall solicit or accept
20 contributions for primary election expenses after the date of the primary. No person
21 other than the candidate or slate of candidates shall contribute for primary election
22 expenses after the date of the primary.

23 (15) Subject to the provisions of subsection (18) of this section, no candidate or slate of
24 candidates for any state, county, city, or district office at a regular election, nor their
25 campaign committees, nor anyone on their behalf, shall solicit or accept
26 contributions for regular election expenses after the date of the regular election. No
27 person other than the candidate or slate of candidates shall contribute for regular

1 election expenses after the date of the regular election.

2 (16) Subject to the provisions of subsection (18) of this section, no candidate or slate of
3 candidates for nomination or election to any state, county, city, or district office, nor
4 their campaign committees, nor anyone on their behalf, shall solicit or accept
5 contributions for special election expenses after the date of the special election. No
6 person other than the candidate or slate of candidates shall contribute for special
7 election expenses after the date of the special election.

8 (17) The provisions of subsections (14) and (15) of this section shall apply only to those
9 candidates in a primary or regular election which shall be conducted subsequent to
10 January 1, 1989. The provisions of subsection (16) of this section shall apply only
11 to those candidates or slates of candidates in a special election which shall be
12 conducted subsequent to January 1, 1993.

13 (18) A candidate, slate of candidates, or a campaign committee may solicit and accept
14 contributions after the date of a primary election, regular election, or special
15 election to defray necessary expenses that arise after the date of the election
16 associated with election contests, recounts, and recanvasses of a specific election,
17 complaints regarding alleged campaign finance violations that are filed with the
18 registry pertaining to a specific election, or other legal actions pertaining to a
19 specific election to which a candidate, slate of candidates, or campaign committee is
20 a party. Reports of contributions received and expenditures made after the date of
21 the specific election shall be made in accordance with KRS 121.180.

22 (19) No slate of candidates for Governor and Lieutenant Governor or their immediate
23 families shall loan any money, service, or other thing of value to their campaign,
24 and all moneys, services, or other things of value which are loaned shall be deemed
25 a contribution, which may not be recovered by the slate of candidates, except to the
26 extent of a combined total of fifty thousand dollars (\$50,000).

27 (20) No candidate, slate of candidates, committee, except a political issues committee, or

1 contributing organization, nor anyone on their behalf, shall knowingly accept a
2 contribution from a corporation, directly or indirectly.

3 (21) Nothing in this section shall be construed to restrict the ability of a corporation to
4 administer its permanent committee insofar as its actions can be deemed not to
5 influence an election as prohibited by KRS 121.025.

6 (22) No candidate, slate of candidates, or committee, nor anyone on their behalf, shall
7 solicit a contribution of money or services from a state employee, whether or not the
8 employee is covered by the classified service provisions of KRS Chapter 18A.
9 However, it shall not be a violation of this subsection for a state employee to
10 receive a solicitation directed to him as a registered voter in an identified precinct as
11 part of an overall plan to contact voters not identified as state employees.

12 (23) (a) A candidate or a slate of candidates for elective public office shall not accept
13 contributions from permanent committees which, in the aggregate, exceed
14 fifty percent (50%) of the total contributions accepted by the candidate or a
15 slate of candidates in any one (1) election or ten thousand dollars (\$10,000) in
16 any one (1) election, whichever is the greater amount. The percentage of the
17 total contributions or dollar amounts of contributions accepted by a candidate
18 or a slate of candidates in an election that is accepted from permanent
19 committees shall be calculated as of the day of each election. Funds in a
20 candidate's or a slate of candidates' campaign account which are carried
21 forward from one (1) election to another shall not be considered in calculating
22 the acceptable percentage or dollar amount of contributions which may be
23 accepted from permanent committees for the election for which the funds are
24 carried forward. A candidate or a slate of candidates may, without penalty,
25 contribute funds to his campaign account not later than sixty (60) days
26 following the election so as not to exceed the permitted percentage or dollar
27 amount of contributions which may be accepted from permanent committees

1 or the candidate or a slate of candidates may, not later than sixty (60) days
 2 after the end of the election, refund any excess permanent committee
 3 contributions on a pro rata basis to the permanent committees whose
 4 contributions are accepted after the aggregate limit has been reached.

5 (b) The provisions of paragraph (a) of this subsection regarding the receipt of
 6 aggregate contributions from permanent committees in any one (1) election
 7 shall also apply separately to the receipt of aggregate contributions from
 8 executive committees of any county, district, state, or federal political party in
 9 any one (1) election.

10 (c) The provisions of paragraph (a) of this subsection regarding the receipt of
 11 aggregate contributions from permanent committees in any one (1) election
 12 shall also apply separately to the receipt of aggregate contributions from
 13 caucus campaign committees.

14 (24) No candidate or slate of candidates for any office in this state shall accept a
 15 contribution, including an in-kind contribution, which is made from funds in a
 16 federal campaign account. No person shall make a contribution, including an in-
 17 kind contribution, from funds in a federal campaign account to any candidate or
 18 slate of candidates for any office in this state.

19 ➔Section 2. KRS 121.170 is amended to read as follows:

20 (1) Any committee, except a federally-registered out-of-state permanent committee,
 21 organized under any provisions of this chapter shall register with the registry, by
 22 filing official notice of intention at the time of organization, giving names,
 23 addresses, and positions of the officers of the organization, *identifying an official*
 24 *contact person of the committee*, and designating the candidate or candidates, slate
 25 of candidates, or question it is organized to support or oppose on forms prescribed
 26 by the registry; except that no campaign committee for a slate of candidates for
 27 Governor and Lieutenant Governor shall be registered prior to the filing of a joint

notification and declaration by the slate of candidates pursuant to KRS 118.125 and 118.127. No entity which is excluded from the definition of "campaign committee" established in KRS 121.015(3)(a) shall be required to register as a committee with the registry. The name of the committee shall reasonably identify to the public the sponsorship and purpose of the committee. The forms filed with the registry shall require the registrant to clearly identify the specific purpose, sponsorship, and source from which the committee originates; and the registry shall refuse to allow filing by any committee until this requirement has been satisfied.

(2) Any person who acts as a fundraiser by directly soliciting contributions for an election campaign of a candidate or slate of candidates for statewide-elected state office or an office in a jurisdiction containing in excess of two hundred thousand (200,000) residents shall register with the registry when he or she raises in excess of three thousand dollars (\$3,000) in any one (1) election for the campaign committee by filing official notice giving his or her name, address, occupation, employer or, if he or she is self-employed, the name under which he or she is doing business, and all candidates or slates of candidates for whom he or she is soliciting on forms prescribed by the registry. A registered fundraiser shall comply with the campaign finance reporting requirements of KRS 121.180(3), (4), and (5).

(3) All provisions of KRS 121.160 governing the duties and responsibilities of a candidate, slate of candidates, or campaign treasurer shall apply to a registered committee, except a federally-registered out-of-state permanent committee, and a person acting as a campaign fundraiser. In case of the death, resignation, or removal of a campaign treasurer for a permanent committee or executive committee, the chairperson~~[chairman]~~ of the permanent committee or executive committee shall, within three (3) days after receiving notice of the vacancy by certified mail, appoint a successor as treasurer for the committee and file the name and address of the successor with the registry. The chairperson~~[chairman]~~ of the permanent committee

1 or executive committee shall be accountable as the treasurer for the committee if the
 2 chairperson~~chairman~~ fails to meet this filing requirement.

3 (4) The chairperson~~chairman~~ of a committee and the campaign treasurer shall be
 4 separate persons.

5 (5) Any federally-registered out-of-state permanent committee that contributes to a
 6 Kentucky candidate or a slate of candidates shall:

7 (a) File with the registry a copy of its federal registration (Federal Election
 8 Commission Form 1 - Committee Registration Form);


9 (b) File with the registry a copy of the Federal Election Commission finance
 10 report when a contribution is made to a Kentucky candidate or a slate of
 11 candidates; and

12 (c) Contribute not more than the maximum amount permitted for a permanent
 13 committee to make under Kentucky law to any candidate or to any slate of
 14 candidates for any office in this Commonwealth.

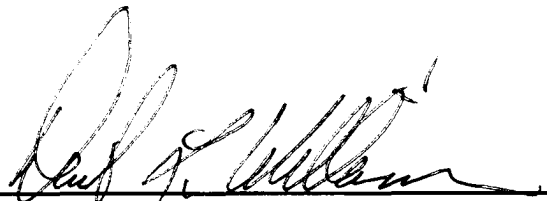
15 (6) Notwithstanding any provision of law to the contrary, a contribution made by a
 16 federally-registered permanent committee to any candidate or to any slate of
 17 candidates for any office in this Commonwealth that complies with the provisions
 18 of 2 U.S.C. sec. 441b, 11 C.F.R. sec. 104.10, 11 C.F.R. sec. 106.6, and 11 C.F.R.
 19 sec. 114.1-114.12 regarding limitations on contributions by corporations shall be
 20 deemed to comply with the campaign finance laws of this Commonwealth
 21 prohibiting corporate contributions to candidates or slates of candidates.

22 (7) The organization, formation, or registration of a permanent committee by any
 23 member of the General Assembly shall be prohibited.

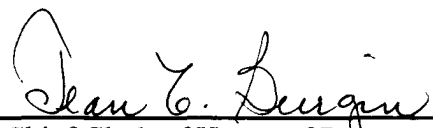
24 (8) The official contact person of a permanent committee shall not be a legislative
 25 agent as defined in KRS 6.611 or an executive agency lobbyist as defined in KRS
 26 11A.201.



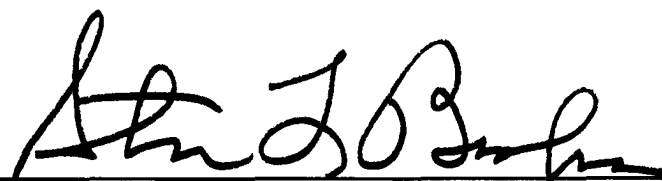
Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 3-16-11